

COUNCIL OF STATE BAR SECTIONS

**Monday, August 6, 2007
2:00 p.m. - 4:00 p.m.**

**State Bar of California Office
180 Howard Street San Francisco, CA 94105**

AGENDA

1. Officer Report
2. Member Survey on Sections and Legal Specialization
3. Special Presentation – Discipline System
(Scott Drexel, Chief Trial Counsel)
4. Section Workroom – Update
5. Section E-News – New Section-wide Quarterly Electronic Communication
6. Issue Out for Public Comment: Five (5) proposed amended Rules of Professional Conduct of the State Bar of California developed by the State Bar's Special Commission for the Revision of the Rules of Professional Conduct (see attached)
7. State Bar Affinity Program – Update
8. 2008 Section Dues Deadline – September 30, 2007 (conclusion of the Annual Meeting)
9. 2007-2008 Council Co-Vice Chairs – Election at the Annual Meeting
10. Section Booth at the Annual Meeting
 - a. Volunteer to assist at the booth
11. Education
 - a. 2007 Annual Meeting – Update
 - b. 2008 SEI – Update
 - c. November 15 Deadline for submission of 2008 CLE Programs
 - d. Online CLE – Is your content current?
12. 2007 Council Meeting Schedule – Please Mark your calendars
 - a. Thursday, September 27, 2007, 2:00 p.m. – 5:00 p.m.
Annual Meeting in Anaheim

PUBLIC COMMENT



SUBJECT: Five (5) proposed amended Rules of Professional Conduct of the State Bar of California developed by the State Bar's Special Commission for the Revision of the Rules of Professional Conduct.

BACKGROUND: The Rules of Professional Conduct of the State Bar of California are attorney conduct rules the violation of which will subject an attorney to discipline. Pursuant to statute, rule amendment proposals may be formulated by the State Bar for submission to the Supreme Court of California for approval. The State Bar has assigned a special commission to conduct a thorough study of the rules and to recommend comprehensive amendments.

Last June, the Commission completed work on a group of 27 proposed new and amended rules and those rules were distributed for a public comment period, which ended on October 16, 2006. At the State Bar's Annual Meeting on October 7, 2006 in Monterey, the Commission held a public hearing to garner further public comment on the proposed rules. After the public hearing and the end of the public comment period, the Commission worked on revising the 27 rules in response to the public comment received.

During this same time period, the Commission has completed work on five (5) more rules that are the subject of this present request for public comment. As was the case with the Commission's first group of 27 rules, a public hearing is being planned to gather additional input. The public hearing will be conducted in Anaheim during the State Bar Annual Meeting on September 29, 2007.

The Supreme Court will provide preliminary guidance to the Commission after each group of proposed rules has been circulated for public comment and the Commission has made any subsequent revisions. The Court has agreed that the Commission may submit each group of proposed rules to the Supreme Court for informal review at this stage of the Commission's consideration. The purpose of this initial submission is to provide the Commission with an opportunity to consider any initial reactions, concerns, and suggestions that the Supreme Court may have about each group of proposed amendments. This preliminary consideration by the Supreme Court will not constrain or foreclose any action by the Supreme Court in the future, but is intended to provide helpful guidance to the Commission as it proceeds with its preparation of its final draft proposals and formal recommendations to the Court. Amendments to the rules will become operative only upon formal approval by the Supreme Court.

PROPOSAL: The five (5) proposed amended rules are listed below by proposed new rule number. The rule number of the comparable current rule is indicated in brackets. Each of these proposed rules are subject to change following consideration of the public comment received.

Rule 1.8.3

Gifts from Client [4 400]

Rule 1.8.5

Payment of Personal or Business Expenses Incurred by or for a Client [4 210]

Rule 1.8.11

Relationship with Other Party's Lawyer [3 320]

Rule 1.8.12

Purchasing Property at a Foreclosure or a Sale Subject to Judicial Review [4 300]

Rule 8.4.1

Prohibited Discrimination in Law Practice Management and Operation [2 400]

ANY KNOWN FISCAL/PERSONNEL IMPACT: No unbudgeted fiscal or personnel impact.

NOTE: *Comments on the above proposals may be sent in writing to the address below or online:*

- [Public Comment Form](#)

ATTACHMENTS:

- [Discussion Draft \(July, 2007\) - Proposed revisions of the Rules of Professional Conduct](#)

SOURCE: State Bar Special Commission for the Revision of the Rules of Professional Conduct

COMMENT DEADLINE: October 26, 2007

DIRECT COMMENTS TO:

[Audrey Hollins](#)

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